IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1093 (S/S) of 2006

1. Harshvardhan Rawat, S/o late Sri Kundan Singh Rawat, Assistant Teacher Primary School, Tewari, Kshetra Augustmuni, District – Rudraprayag.
2. Anil Kumar Maithani, S/o Sri Parmanand Maithani, Assistant Teacher, Primary School, Kirora Malla, Kshetra, Jakholi, district – Rudraprayag.
3. Sulochana Rawat, W/o late Sohan Singh Rawat, Assistant Teacher, Primary School, Girya Kshetra, Ukhimath, District – Rudraprayag.

.....Petitioners

Versus

1. State of Uttaranchal through Secretary, Education, Dehradun.
2. Joint Director, Education (Primary), Garhwal Mandal, Education Department, Uttaranchal Government.
3. Zila Basic Shiksha Adhikari, Rudraprayag.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Tanuj Semwal, learned counsel for the petitioner and learned standing counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

I. *Issue a suitable writ, order or direction in the nature of Mandamus commanding the respondents to count the seniority by the petitioners from the date of their initial appointment and given them arrears of revised pay from the date in which their service completed 5 years (from 1996 to the petitioner no. 1 and from 1995 to petitioner no. 2 and from*

1991 to petitioner no. 3) from the date of their initial appointment.

II. *Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.*

III. *Award the costs of the petition to the petitioners.*

The submission of learned counsel for the petitioners is that petitioners were appointed under Dying in Harness Rules on consolidated salary in the year 1991, 1990 and 1986 respectively. Since petitioners were not trained at the time of appointment they were appointed on consolidated salary. Later on by the Government Order dated 15.05.1997 the State Government exempted the person from training, who were appointed under Dying in Harness and have completed five years of service as untrained Teacher on the date of issuing of aforesaid Government Order.

The submission of the petitioners is that they should be given seniority from the date of initial appointment of the petitioners i.e. from 1991, 1990 and 1986 respectively.

I do not find any merit in the case. It is not disputed that petitioners were appointed on consolidated salary in the aforesaid years and regular pay scale was given to them some times in the years 1997. They cannot claim seniority prior to 1997.

During the course of argument learned counsel for the petitioners has submitted that petitioners have already made representation before Director of Education, Dehradun on

14.05.2006 and Director of Education, Dehradun be directed to decide the same at the earliest.

The prayer is innocuous. Accordingly, I direct the Director of Education, Dehradun to take decision on the representation of the petitioners dated 14.05.2006 within a period of six weeks from the date of production of certified copy of this order.

With this direction writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 11, 2006
SKSharma